

REMARKS

In the Office Action mailed May 27, 2008 the Office noted that claims 11-30 were pending and rejected claims 11-30. Claims 11-20 and 23-25 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 11-30 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claims 11-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that "computer program product" is not supported by the Specification.

The Applicants have amended the claims to recite "a computer program stored on a computer readable storage medium." Support for the amendment may be found, for example, in the claims and on page 5, first full paragraph of the Specification. The claims no more fully define statutory matter. No new matter has been added by the amendment of the claims.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 11-20 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description

requirement. In particular the Office asserts that "computer program product" is not support by the Specification. The Applicants have amended the claims to overcome the rejection.

Claims 11-16 and 23-25 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular the Office asserts the claims contain antecedent basis issues. The Applicant has amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 11, 12, 14-19, 21, 22 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies, U.S. Patent Publication No. 2002/0082878 in view of Walker, U.S. Patent No. 6,112,185. The Applicants respectfully disagree and traverse the rejection with an argument.

Boies discusses a method for the allocation of seats comprising the use of data relative to customer seating preferences. It also comprises the steps of: fulfilling at least partially the preferences of the customer, guaranteeing these preferences while assigning a flexible seat, re-assigning the customer, if necessary, while preserving the preferences.

Walker discusses a method for processing upgrade offers.

On page 4 of the Office Action, it is asserted that Boise ¶ 0046 discloses "determining a satisfaction value of the customer for a seat, said satisfaction value being a function of the agreement with the placement criteria," as in claim 11.

However, Boise ¶ 0046 merely discusses whether a passenger request can be accommodated, "seating categories of the request can be accommodated (step 520)." It does this by looking at what flexible seating assignments can be changed and then queries the customer if this is acceptable by stating "If some elements can be satisfied, the passenger 120 is notified of which elements of the request can be accommodated in step 535. If it is determined in step 540 that the passenger 120 is satisfied, then the central controller 100 records the elements of the request that have been accommodated as well as the 'flexible' seat assignment in fields 460 and 465 of the reservation database 250, respectively (step 545)." So, in Boise the determination is made by the passenger, not based on a determination of a satisfaction value. The Office does not assert and the Applicant has not found that Walker discloses such a feature.

Further, Boise does not discuss assigning weights to placement criteria. According to Boise, the preferences are not ranked or evaluated and the system attempts to fulfill at least some of these preferences (Boise ¶ 0043: "... a seat assignment which satisfies either all or some elements of the request....")

On pages 4 and 5 of the Office Action, it is asserted

that Boise ¶ 0038 discloses "accessing with a database for storage of a level of priority assigned to each customer."

However, Boise ¶ 0038 does not mention assigning a priority to each customer. Boise ¶ 0038 does mention assigning seats to a particular class "... such as coach, business or first class...." But, this cannot be interpreted as a priority for each customer, as there is no further priority mentioned within a class. Boise ¶ 0038 does discuss flexible seating assignment, however this value is binary (i.e. flexible or not flexible) and therefore not a priority. The Office does not assert and the Applicant has not found that Walker discloses such a feature.

Therefore, Boise likewise does not discuss "extracting from each database the level of priority corresponding to each customer," as in claim 11. The Office does not assert and the Applicant has not found that Walker discloses such a feature.

On page 5 of the Office Action, it is asserted that Boise ¶ 0038 discloses "repetition of the preceding step for each customer," as in claim 11.

However, Boise does not teach the cancellation of seats such that the repetition step as in the claims is required. Boise only discusses the reservation of some customers having flexible seats, to accommodate a new customer.

On page 5 of the Office Action, it is acknowledged that Boise does not disclose "repetition of the preceding step for each customer, by decreasing order of priority level, to effect

an allocation of seats to the customers," but asserted that Walker, col. 6, lines 6-11 does.

However, Walker, col. 6, lines 6-11 state "[i]n a preferred embodiment, the received offers for each different upgrade offer item are processed in a predefined sequence, such that offers for the highest categories of services are processed first. In this manner, seats in subsequent categories of seating will thus become available in sequence for further reassignment."

Thus, the Walker merely discusses what occurs when a seat open up and an upgrade can be offered to an existing customer. It is not the same as in the present claims where a new customer makes a request then for each customer repeating the allocation by decreasing order of priority, for all the customers.

For at least the reasons discussed above, the combination of Boies and Walker, taken separately or in combination, fail to render obvious the features of claims 11 and 21 and the claims dependent therefrom.

Claims 13 and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Walker in further view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an argument.

The Official Notice of the Office adds nothing to the deficiencies of Boise and Walker as applied against the independent claims. Therefore, the combination of Boise, Walker

and Official Notice, taken separately or in combination, fail to render obvious the features of claims 13 and 23.

Claims 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Walker in further view of Boise, U.S. Patent Publication No. 2002/0173978 (hereafter Boise II). The Applicants respectfully disagree and traverse the rejection with an argument.

Boise II discusses the building of itinerary which also differs from the seat allocation.

The technical field of computer reservation system comprises disparate technical applications which cannot be assimilated. Accordingly one of ordinary skill would not have searched a solution to allocation of seats in documents describing upgrade offers (Walker) or itinerary construction (Boise II).

Further, Walker and Boise II are not easily combinable with the teachings of reference Boise. Walker relates to a method for processing upgrade offers. This concerns a product or a service differing from the product or service originally booked by the customer and for which the customer offers a bigger price. Walker is not related to a seat re-assignment method.

Further, the process of Walker is made by seat priority (it starts with the higher classes) and not by customer priority. As discussed above, a class is not a priority.

Therefore, one of ordinary skill would have not

modified Boise in order to use weighted criteria or to allocate the seats by decreasing order of priority level. Indeed, the reassignment of Boise is centered on only one goal, i.e. finding the best seat for a new passenger. In contrast, the claims globally re-evaluate the seat of each customer upon each new reservation or cancellation. This feature is not disclosed by the combination of references Boise, Walker and Boise II.

Further, Boise II adds nothing to the deficiencies of Boise and Walker as applied against the independent claims. Therefore, the combination of Boise, Walker and Boise II, taken separately or in combination, fail to teach or suggest the elements of claims 20 and 30 and the claims dependent therefrom.

Withdrawal of the rejection is respectfully requested.

#### SUMMARY

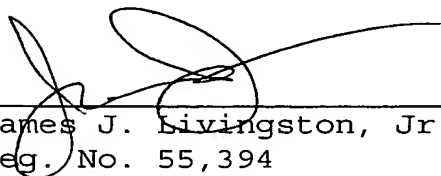
It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101, 112 and 103. It is also submitted that claims 11-30 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account

No. 25-0120 for any additional fees required under 37 C.F.R.  
§ 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



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James J. Livingston, Jr.  
Reg. No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709